

Senate Study Bill 3041

SENATE/HOUSE FILE _____
BY (PROPOSED GOVERNOR'S BUDGET
BILL)

Passed Senate, Date _____ Passed House, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

1 An Act relating to and making appropriations to the department of
2 human services, the department of elder affairs, the Iowa
3 department of public health, the department of veterans
4 affairs and the Iowa veterans home, and the department of
5 inspections and appeals, providing for fee increases, and
6 including other related provisions and appropriations, and
7 providing effective dates.
8 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
9 TLSB 5181XG 81
10 mg/gg/14

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1 1 DIVISION I
1 2 GENERAL FUND AND BLOCK GRANT APPROPRIATIONS
1 3 ELDER AFFAIRS
1 4 Section 1. DEPARTMENT OF ELDER AFFAIRS. There is
1 5 appropriated from the general fund of the state to the
1 6 department of elder affairs for the fiscal year beginning July
1 7 1, 2006, and ending June 30, 2007, the following amount, or so
1 8 much thereof as is necessary, to be used for the purposes
1 9 designated:
1 10 For aging programs for the department of elder affairs and
1 11 area agencies on aging to provide citizens of Iowa who are 60
1 12 years of age and older with case management for the frail
1 13 elderly, resident advocate committee coordination, employment,
1 14 and other services which may include, but are not limited to,
1 15 adult day services, respite care, chore services, telephone
1 16 reassurance, information and assistance, and home repair
1 17 services, and for the construction of entrance ramps which
1 18 make residences accessible to the physically handicapped, and
1 19 for salaries, support, administration, maintenance, and
1 20 miscellaneous purposes:
1 21 \$ 5,653,477
1 22 Funds appropriated in this section may be used to
1 23 supplement federal funds under federal regulations. To
1 24 receive funds appropriated in this section, a local area
1 25 agency on aging shall match the funds with moneys from other
1 26 sources according to rules adopted by the department. Funds
1 27 appropriated in this section may be used for elderly services
1 28 not specifically enumerated in this section only if approved
1 29 by an area agency on aging for provision of the service within
1 30 the area.
1 31 HEALTH
1 32 Sec. 2. DEPARTMENT OF PUBLIC HEALTH. There is
1 33 appropriated from the general fund of the state to the Iowa
1 34 department of public health for the fiscal year beginning July
1 35 1, 2006, and ending June 30, 2007, the following amounts, or
2 1 so much thereof as is necessary, to be used for the purposes
2 2 designated:
2 3 1. ADDICTIVE DISORDERS
2 4 For reducing the prevalence of use of tobacco, alcohol, and
2 5 other drugs, and treating individuals affected by addictive
2 6 behaviors, including gambling:
2 7 \$ 5,761,036
2 8 2. HEALTHY CHILDREN AND FAMILIES
2 9 For promoting the optimum health status for children,
2 10 adolescents from birth through 21 years of age, and families:
2 11 \$ 2,341,264
2 12 Of the funds appropriated in this subsection, not more than

2 13 \$645,917 shall be used for the healthy opportunities to
2 14 experience success (HOPES) = healthy families Iowa (HFI)
2 15 program established pursuant to section 135.106. The
2 16 department shall transfer the funding allocated for the HOPES=
2 17 HFI program to the Iowa empowerment board for distribution and
2 18 shall assist the board in managing the contracting for the
2 19 funding. The funding shall be distributed to renew the grants
2 20 that were provided to the grantees that operated the program
2 21 during the fiscal year ending June 30, 2006.

2 22 3. CHRONIC CONDITIONS
2 23 For serving individuals identified as having chronic
2 24 conditions or special health care needs:
2 25 \$ 1,442,840

2 26 4. COMMUNITY CAPACITY
2 27 For strengthening the health care delivery system at the
2 28 local level:
2 29 \$ 1,418,662

2 30 5. ELDERLY WELLNESS
2 31 For optimizing the health of persons 60 years of age and
2 32 older:
2 33 \$ 9,233,985

2 34 6. ENVIRONMENTAL HAZARDS
2 35 For reducing the public's exposure to hazards in the
3 1 environment, primarily chemical hazards:
3 2 \$ 423,821

3 3 7. INFECTIOUS DISEASES
3 4 For reducing the incidence and prevalence of communicable
3 5 diseases:
3 6 \$ 1,100,230

3 7 8. PUBLIC PROTECTION
3 8 For protecting the health and safety of the public through
3 9 establishing standards and enforcing regulations:
3 10 \$ 7,811,265

3 11 Of the funds appropriated in this subsection, \$620,172
3 12 shall be credited to the emergency medical services fund
3 13 created in section 135.25.

3 14 9. RESOURCE MANAGEMENT
3 15 For establishing and sustaining the overall ability of the
3 16 department to deliver services to the public:
3 17 \$ 1,016,420

3 18 The university of Iowa hospitals and clinics under the
3 19 control of the state board of regents shall not receive
3 20 indirect costs from the funds appropriated in this section.

3 21 Sec. 3. GAMBLING TREATMENT FUND == APPROPRIATION. In lieu
3 22 of the appropriation made in section 135.150, subsection 1,
3 23 there is appropriated from funds available in the gambling
3 24 treatment fund created in section 135.150 to the Iowa
3 25 department of public health for the fiscal year beginning July
3 26 1, 2006, and ending June 30, 2007, the following amount, or so
3 27 much thereof as is necessary, to be used for the purposes
3 28 designated:

3 29 1. ADDICTIVE DISORDERS
3 30 To be utilized for the benefit of persons with addictions:
3 31 \$ 1,690,000

3 32 It is the intent of the general assembly that from the
3 33 moneys appropriated in this subsection, persons with a dual
3 34 diagnosis of substance abuse and gambling addictions shall be
3 35 given priority in treatment services.

4 1 2. EMERGENCY MEDICAL SERVICES
4 2 To supplement emergency medical services regulation and
4 3 ensure quality:
4 4 \$ 180,000

4 5 3. GAMBLING TREATMENT PROGRAM
4 6 The amount remaining in the gambling treatment fund after
4 7 the appropriation made in subsection 1 is appropriated to the
4 8 department to be used for funding of administrative costs and
4 9 to provide programs which may include, but are not limited to,
4 10 outpatient and follow-up treatment for persons affected by
4 11 problem gambling, rehabilitation and residential treatment
4 12 programs, information and referral services, education and
4 13 preventive services, and financial management services. Of
4 14 the amount appropriated in subsection 1, up to \$100,000 may be
4 15 used for the licensing of gambling treatment programs as
4 16 provided in section 135.150.

4 17 DEPARTMENT OF VETERANS AFFAIRS
4 18 Sec. 4. DEPARTMENT OF VETERANS AFFAIRS. There is
4 19 appropriated from the general fund of the state to the
4 20 department of veterans affairs for the fiscal year beginning
4 21 July 1, 2006, and ending June 30, 2007, the following amounts,
4 22 or so much thereof as is necessary, to be used for the
4 23 purposes designated:

4 24 1. DEPARTMENT OF VETERANS AFFAIRS ADMINISTRATION
4 25 For salaries, support, maintenance, miscellaneous purposes,
4 26 including the war orphans educational aid fund established
4 27 pursuant to chapter 35:
4 28 \$ 332,114
4 29 Of the funds appropriated in this subsection, \$50,000 is
4 30 allocated for county commissions of veterans affairs to
4 31 utilize retired and senior volunteers through programs
4 32 established pursuant to chapter 15H to identify and increase
4 33 the use of benefits available through the United States
4 34 department of veterans affairs. County commissions that
4 35 currently lack the capacity to conduct adequate outreach or
5 1 have a disproportionate number of eligible persons not
5 2 receiving benefits shall have priority in funding allocations.
5 3 2. IOWA VETERANS HOME
5 4 For salaries, support, maintenance, and miscellaneous
5 5 purposes:
5 6 \$ 13,569,501
5 7 Notwithstanding section 8.33 and section 35D.18, subsection
5 8 5, moneys appropriated in this subsection that remain
5 9 unexpended at the close of the fiscal year shall not revert
5 10 but shall remain available for expenditure for the purposes
5 11 designated in this subsection until the close of the
5 12 succeeding fiscal year.
5 13 HUMAN SERVICES
5 14 Sec. 5. TEMPORARY ASSISTANCE FOR NEEDY FAMILIES BLOCK
5 15 GRANT. There is appropriated from the fund created in section
5 16 8.41 to the department of human services for the fiscal year
5 17 beginning July 1, 2006, and ending June 30, 2007, from moneys
5 18 received under the federal temporary assistance for needy
5 19 families (TANF) block grant pursuant to the federal Personal
5 20 Responsibility and Work Opportunity Reconciliation Act of
5 21 1996, Pub. L. No. 104=193, and successor legislation, which
5 22 are federally appropriated for the federal fiscal years
5 23 beginning October 1, 2005, and ending September 30, 2006, and
5 24 beginning October 1, 2006, and ending September 30, 2007, the
5 25 following amounts, or so much thereof as is necessary, to be
5 26 used for the purposes designated:
5 27 1. To be credited to the family investment program account
5 28 and used for assistance under the family investment program
5 29 under chapter 239B:
5 30 \$ 43,096,689
5 31 2. To be credited to the family investment program account
5 32 and used for the job opportunities and basic skills (JOBS)
5 33 program, and implementing family investment agreements, in
5 34 accordance with chapter 239B:
5 35 \$ 13,545,163
6 1 3. To be credited to the family investment program account
6 2 and used for the JOBS program and the family development and
6 3 self=sufficiency grant program for one=time expenditures to
6 4 improve Iowa's ability to meet federal employment targets:
6 5 \$ 1,244,000
6 6 Notwithstanding section 8.33, moneys appropriated in this
6 7 subsection that remain unexpended at the close of the fiscal
6 8 year shall not revert but shall remain available for
6 9 expenditure for the purposes designated until the close of the
6 10 succeeding fiscal year.
6 11 4. For field operations:
6 12 \$ 16,782,495
6 13 5. For general administration:
6 14 \$ 3,744,000
6 15 6. For local administrative costs:
6 16 \$ 2,189,830
6 17 7. For state child care assistance:
6 18 \$ 14,556,560
6 19 a. Of the funds appropriated in this subsection, \$200,000
6 20 shall be used for provision of educational opportunities to
6 21 registered child care home providers in order to improve
6 22 services and programs offered by this category of providers
6 23 and to increase the number of providers. The department may
6 24 contract with institutions of higher education or child care
6 25 resource and referral centers to provide the educational
6 26 opportunities. Allowable administrative costs under the
6 27 contracts shall not exceed 5 percent. The application for a
6 28 grant shall not exceed two pages in length.
6 29 b. The funds appropriated in this subsection shall be
6 30 transferred to the child care and development block grant
6 31 appropriation.
6 32 8. For mental health and developmental disabilities
6 33 community services:
6 34 \$ 4,894,052

6 35 9. For child and family services:
7 1 \$ 32,084,430
7 2 10. For child abuse prevention grants:
7 3 \$ 250,000
7 4 11. For pregnancy prevention grants on the condition that
7 5 family planning services are funded:
7 6 \$ 1,930,067
7 7 Pregnancy prevention grants shall be awarded to programs in
7 8 existence on or before July 1, 2006, if the programs are
7 9 comprehensive in scope and have demonstrated positive
7 10 outcomes. Grants shall be awarded to pregnancy prevention
7 11 programs which are developed after July 1, 2006, if the
7 12 programs are comprehensive in scope and are based on existing
7 13 models that have demonstrated positive outcomes. Grants shall
7 14 comply with the requirements provided in 1997 Iowa Acts,
7 15 chapter 208, section 14, subsections 1 and 2, including the
7 16 requirement that grant programs must emphasize sexual
7 17 abstinence. Priority in the awarding of grants shall be given
7 18 to programs that serve areas of the state which demonstrate
7 19 the highest percentage of unplanned pregnancies of females of
7 20 childbearing age within the geographic area to be served by
7 21 the grant.
7 22 12. For technology needs and other resources necessary to
7 23 meet federal welfare reform reporting, tracking, and case
7 24 management requirements:
7 25 \$ 1,037,186
7 26 13. For the healthy opportunities for parents to
7 27 experience success (HOPES) program administered by the Iowa
7 28 department of public health to target child abuse prevention:
7 29 \$ 200,000
7 30 14. To be credited to the state child care assistance
7 31 appropriation made in this section to be used for funding of
7 32 community-based early childhood programs targeted to children
7 33 from birth through five years of age, developed by community
7 34 empowerment areas as provided in section 28.9, as amended by
7 35 this Act:
8 1 \$ 7,350,000
8 2 The department shall transfer TANF block grant funding
8 3 appropriated and allocated in this subsection to the child
8 4 care and development block grant appropriation in accordance
8 5 with federal law as necessary to comply with the provisions of
8 6 this subsection.
8 7 15. For a pilot program to be established in a judicial
8 8 district, selected by the department and the judicial council,
8 9 to provide employment and support services to delinquent child
8 10 support obligors as an alternative to commitment to jail as
8 11 punishment for contempt of court:
8 12 \$ 200,000
8 13 Of the amounts appropriated in this section, \$13,019,471
8 14 for the fiscal year beginning July 1, 2006, shall be
8 15 transferred to the appropriation of the federal social
8 16 services block grant for that fiscal year. If the federal
8 17 government revises requirements to reduce the amount that may
8 18 be transferred to the federal social services block grant, it
8 19 is the intent of the general assembly to act expeditiously
8 20 during the 2007 legislative session to adjust appropriations
8 21 or the transfer amount or take other actions to address the
8 22 reduced amount.
8 23 Sec. 6. FAMILY INVESTMENT PROGRAM ACCOUNT.
8 24 1. Moneys credited to the family investment program (FIP)
8 25 account for the fiscal year beginning July 1, 2006, and ending
8 26 June 30, 2007, shall be used to provide assistance in
8 27 accordance with chapter 239B.
8 28 2. The department may use a portion of the moneys credited
8 29 to the FIP account under this section as necessary for
8 30 salaries, support, maintenance, and miscellaneous purposes.
8 31 3. The department may transfer funds allocated in this
8 32 section to the appropriations in this Act for general
8 33 administration and field operations for resources necessary to
8 34 implement and operate the services referred to in this section
8 35 and those funded in the appropriation made in this division of
9 1 this Act for the family investment program general fund.
9 2 4. Moneys appropriated in this division of this Act and
9 3 credited to the FIP account for the fiscal year beginning July
9 4 1, 2006, and ending June 30, 2007, are allocated as follows:
9 5 a. For the family development and self-sufficiency grant
9 6 program as provided under section 217.12:
9 7 \$ 5,133,042
9 8 (1) Of the funds allocated for the family development and
9 9 self-sufficiency grant program in this lettered paragraph, not
9 10 more than 5 percent of the funds shall be used for the

9 11 administration of the grant program.
9 12 (2) The department may continue to implement the family
9 13 development and self-sufficiency grant program statewide
9 14 during FY 2006=2007.
9 15 b. For the diversion subaccount of the FIP account:
9 16 \$ 2,814,000
9 17 (1) A portion of the moneys allocated for the subaccount
9 18 may be used for field operations salaries, data management
9 19 system development, and implementation costs and support
9 20 deemed necessary by the director of human services in order to
9 21 administer the FIP diversion program.
9 22 (2) Of the funds allocated in this lettered paragraph, not
9 23 more than \$250,000 shall be used to develop or continue
9 24 community-level parental obligation pilot projects. The
9 25 requirements established under 2001 Iowa Acts, chapter 191,
9 26 section 3, subsection 5, paragraph "c", subparagraph (3),
9 27 shall remain applicable to the parental obligation pilot
9 28 projects for fiscal year 2006=2007.
9 29 c. For the food stamp employment and training program:
9 30 \$ 64,278
9 31 5. Of the child support collections assigned under FIP, an
9 32 amount equal to the federal share of support collections shall
9 33 be credited to the child support recovery appropriation. Of
9 34 the remainder of the assigned child support collections
9 35 received by the child support recovery unit, a portion shall
10 1 be credited to the FIP account and a portion may be used to
10 2 increase recoveries. If child support collections assigned
10 3 under FIP are greater than estimated, the state share of that
10 4 greater portion may be transferred to the child support
10 5 payments account.
10 6 6. The department may adopt emergency administrative rules
10 7 for the family investment, food stamp, and medical assistance
10 8 programs, if necessary, to comply with federal requirements.
10 9 Sec. 7. FAMILY INVESTMENT PROGRAM GENERAL FUND. There is
10 10 appropriated from the general fund of the state to the
10 11 department of human services for the fiscal year beginning
10 12 July 1, 2006, and ending June 30, 2007, the following amount,
10 13 or so much thereof as is necessary, to be used for the purpose
10 14 designated:
10 15 To be credited to the family investment program (FIP)
10 16 account and used for family investment program assistance
10 17 under chapter 239B:
10 18 \$ 41,854,109
10 19 1. Of the funds appropriated in this section, \$9,274,134
10 20 is allocated for the JOBS program.
10 21 2. Of the funds appropriated in this section, \$100,000
10 22 shall be used to provide a grant to an Iowa-based nonprofit
10 23 organization with a history of providing tax preparation
10 24 assistance to low-income Iowans in order to expand the usage
10 25 of the earned income tax credit. The purpose of the grant is
10 26 to supply this assistance to underserved areas of the state.
10 27 The grant shall be provided to an organization that has
10 28 existing national foundation support for supplying such
10 29 assistance that can also secure local charitable match
10 30 funding.
10 31 Sec. 8. CHILD SUPPORT RECOVERY. There is appropriated
10 32 from the general fund of the state to the department of human
10 33 services for the fiscal year beginning July 1, 2006, and
10 34 ending June 30, 2007, the following amount, or so much thereof
10 35 as is necessary, to be used for the purposes designated:
11 1 For child support recovery, including salaries, support,
11 2 maintenance, and miscellaneous purposes:
11 3 \$ 8,214,690
11 4 1. The department shall expend up to \$31,000, including
11 5 federal financial participation, for the fiscal year beginning
11 6 July 1, 2006, for a child support public awareness campaign.
11 7 The department and the office of the attorney general shall
11 8 cooperate in continuation of the campaign. The public
11 9 awareness campaign shall emphasize, through a variety of media
11 10 activities, the importance of maximum involvement of both
11 11 parents in the lives of their children as well as the
11 12 importance of payment of child support obligations.
11 13 2. Federal access and visitation grant moneys shall be
11 14 issued directly to private not-for-profit agencies that
11 15 provide services designed to increase compliance with the
11 16 child access provisions of court orders, including but not
11 17 limited to neutral visitation site and mediation services.
11 18 Sec. 9. MEDICAL ASSISTANCE. There is appropriated from
11 19 the general fund of the state to the department of human
11 20 services for the fiscal year beginning July 1, 2006, and
11 21 ending June 30, 2007, the following amount, or so much thereof

11 22 as is necessary, to be used for the purpose designated:
11 23 For medical assistance reimbursement and associated costs
11 24 as specifically provided in the reimbursement methodologies in
11 25 effect on June 30, 2006, except as otherwise expressly
11 26 authorized by law, including reimbursement for abortion
11 27 services, which shall be available under the medical
11 28 assistance program only for those abortions which are
11 29 medically necessary:
11 30 \$611,903,273
11 31 1. Medically necessary abortions are those performed under
11 32 any of the following conditions:
11 33 a. The attending physician certifies that continuing the
11 34 pregnancy would endanger the life of the pregnant woman.
11 35 b. The attending physician certifies that the fetus is
12 1 physically deformed, mentally deficient, or afflicted with a
12 2 congenital illness.
12 3 c. The pregnancy is the result of a rape which is reported
12 4 within 45 days of the incident to a law enforcement agency or
12 5 public or private health agency which may include a family
12 6 physician.
12 7 d. The pregnancy is the result of incest which is reported
12 8 within 150 days of the incident to a law enforcement agency or
12 9 public or private health agency which may include a family
12 10 physician.
12 11 e. Any spontaneous abortion, commonly known as a
12 12 miscarriage, if not all of the products of conception are
12 13 expelled.
12 14 2. The department shall utilize not more than \$60,000 of
12 15 the funds appropriated in this section to continue the
12 16 AIDS/HIV health insurance premium payment program as
12 17 established in 1992 Iowa Acts, Second Extraordinary Session,
12 18 chapter 1001, section 409, subsection 6. Of the funds
12 19 allocated in this subsection, not more than \$5,000 may be
12 20 expended for administrative purposes.
12 21 3. Of the funds appropriated to the Iowa department of
12 22 public health for addictive disorders, \$950,000 for the fiscal
12 23 year beginning July 1, 2006, shall be transferred to the
12 24 department of human services for an integrated substance abuse
12 25 managed care system.
12 26 4. Based upon a waiver from the federal centers for
12 27 Medicare and Medicaid services, the department shall provide a
12 28 period of 12 months of guaranteed eligibility for medical
12 29 assistance family planning services only, regardless of the
12 30 change in circumstances of a woman who was a medical
12 31 assistance recipient when a pregnancy ended. The department
12 32 shall also provide this eligibility to women of childbearing
12 33 age with countable income at or below 200 percent of the
12 34 federal poverty level. The department may adopt emergency
12 35 rules to implement this subsection.
13 1 5. a. The department shall aggressively pursue options
13 2 for providing medical assistance or other assistance to
13 3 individuals with special needs who become ineligible to
13 4 continue receiving services under the early and periodic
13 5 screening, diagnosis, and treatment program under the medical
13 6 assistance program due to becoming 21 years of age, who have
13 7 been approved for additional assistance through the
13 8 department's exception to policy provisions, but who have
13 9 health care needs in excess of the funding available through
13 10 the exception to policy process.
13 11 b. Of the funds appropriated in this section, \$100,000
13 12 shall be used for participation in one or more pilot projects
13 13 operated by a private provider to allow the individual or
13 14 individuals to receive service in the community in accordance
13 15 with principles established in *Olmstead v. L.C.*, 527 U.S. 581
13 16 (1999), for the purpose of providing medical assistance or
13 17 other assistance to individuals with special needs who become
13 18 ineligible to continue receiving services under the early and
13 19 periodic screening, diagnosis, and treatment program under the
13 20 medical assistance program due to becoming 21 years of age,
13 21 who have been approved for additional assistance through the
13 22 department's exception to policy provisions, but who have
13 23 health care needs in excess of the funding available through
13 24 the exception to the policy provisions.
13 25 6. Of the funds available in this section, up to
13 26 \$3,050,082 may be transferred to the field operations or
13 27 general administration appropriations in this Act for
13 28 implementation and operational costs associated with Part D of
13 29 the federal Medicare Prescription Drug, Improvement, and
13 30 Modernization Act of 2003, Pub. L. No. 108-173.
13 31 Sec. 10. HEALTH INSURANCE PREMIUM PAYMENT PROGRAM. There
13 32 is appropriated from the general fund of the state to the

13 33 department of human services for the fiscal year beginning
13 34 July 1, 2006, and ending June 30, 2007, the following amount,
13 35 or so much thereof as is necessary, to be used for the purpose
14 1 designated:
14 2 For administration of the health insurance premium payment
14 3 program, including salaries, support, maintenance, and
14 4 miscellaneous purposes:
14 5 \$ 634,162
14 6 Sec. 11. MEDICAL CONTRACTS. There is appropriated from
14 7 the general fund of the state to the department of human
14 8 services for the fiscal year beginning July 1, 2006, and
14 9 ending June 30, 2007, the following amount, or so much thereof
14 10 as is necessary, to be used for the purpose designated:
14 11 For medical contracts, including salaries, support,
14 12 maintenance, and miscellaneous purposes:
14 13 \$ 14,711,985
14 14 Sec. 12. STATE SUPPLEMENTARY ASSISTANCE.
14 15 1. There is appropriated from the general fund of the
14 16 state to the department of human services for the fiscal year
14 17 beginning July 1, 2006, and ending June 30, 2007, the
14 18 following amount, or so much thereof as is necessary, to be
14 19 used for the purpose designated:
14 20 For the state supplementary assistance program:
14 21 \$ 19,010,335
14 22 2. The department shall increase the personal needs
14 23 allowance for residents of residential care facilities by the
14 24 same percentage and at the same time as federal supplemental
14 25 security income and federal social security benefits are
14 26 increased due to a recognized increase in the cost of living.
14 27 The department may adopt emergency rules to implement this
14 28 subsection.
14 29 3. If during the fiscal year beginning July 1, 2006, the
14 30 department projects that state supplementary assistance
14 31 expenditures for a calendar year will not meet the federal
14 32 pass-along requirement specified in Title XVI of the federal
14 33 Social Security Act, section 1618, as codified in 42 U.S.C. }
14 34 1382g, the department may take actions including but not
14 35 limited to increasing the personal needs allowance for
15 1 residential care facility residents and making programmatic
15 2 adjustments or upward adjustments of the residential care
15 3 facility or in-home health-related care reimbursement rates
15 4 prescribed in this division of this Act to ensure that federal
15 5 requirements are met. In addition, the department may make
15 6 other programmatic and rate adjustments necessary to remain
15 7 within the amount appropriated in this section while ensuring
15 8 compliance with federal requirements. The department may
15 9 adopt emergency rules to implement the provisions of this
15 10 subsection.
15 11 Sec. 13. CHILDREN'S HEALTH INSURANCE PROGRAM. There is
15 12 appropriated from the general fund of the state to the
15 13 department of human services for the fiscal year beginning
15 14 July 1, 2006, and ending June 30, 2007, the following amount,
15 15 or so much thereof as is necessary, to be used for the purpose
15 16 designated:
15 17 For maintenance of the healthy and well kids in Iowa (hawk=
15 18 i) program pursuant to chapter 514I for receipt of federal
15 19 financial participation under Title XXI of the federal Social
15 20 Security Act, which creates the state children's health
15 21 insurance program:
15 22 \$ 19,703,685
15 23 Sec. 14. CHILD CARE ASSISTANCE. There is appropriated
15 24 from the general fund of the state to the department of human
15 25 services for the fiscal year beginning July 1, 2006, and
15 26 ending June 30, 2007, the following amount, or so much thereof
15 27 as is necessary, to be used for the purpose designated:
15 28 For child care programs:
15 29 \$ 25,717,949
15 30 1. Of the funds appropriated in this section, \$20,172,448
15 31 shall be used for state child care assistance in accordance
15 32 with section 237A.13.
15 33 2. Nothing in this section shall be construed or is
15 34 intended as, or shall imply, a grant of entitlement for
15 35 services to persons who are eligible for assistance due to an
16 1 income level consistent with the waiting list requirements of
16 2 section 237A.13. Any state obligation to provide services
16 3 pursuant to this section is limited to the extent of the funds
16 4 appropriated in this section.
16 5 3. Of the funds appropriated in this section, \$525,524 is
16 6 allocated for the statewide program for child care resource
16 7 and referral services under section 237A.26.
16 8 4. Of the funds appropriated in this section, \$5,019,977

16 9 is allocated for child care quality improvement initiatives
16 10 including but not limited to development and continuation of a
16 11 quality rating system.
16 12 5. The department may use any of the funds appropriated in
16 13 this section as a match to obtain federal funds for use in
16 14 expanding child care assistance and related programs. For the
16 15 purpose of expenditures of state and federal child care
16 16 funding, funds shall be considered obligated at the time
16 17 expenditures are projected or are allocated to the
16 18 department's service areas. Projections shall be based on
16 19 current and projected caseload growth, current and projected
16 20 provider rates, staffing requirements for eligibility
16 21 determination and management of program requirements including
16 22 data systems management, staffing requirements for
16 23 administration of the program, contractual and grant
16 24 obligations and any transfers to other state agencies.

16 25 6. A portion of the state match for the federal child care
16 26 and development block grant shall be provided through the
16 27 state general fund appropriation for child development grants
16 28 and other programs for at-risk children in section 279.51.

16 29 Sec. 15. JUVENILE INSTITUTIONS. There is appropriated
16 30 from the general fund of the state to the department of human
16 31 services for the fiscal year beginning July 1, 2006, and
16 32 ending June 30, 2007, the following amounts, or so much
16 33 thereof as is necessary, to be used for the purposes
16 34 designated:

16 35 1. For operation of the Iowa juvenile home at Toledo and
17 1 for salaries, support, and maintenance:

17 2 \$ 6,667,400

17 3 2. For operation of the state training school at Eldora
17 4 and for salaries, support, and maintenance:

17 5 \$ 10,583,148

17 6 3. A portion of the moneys appropriated in this section
17 7 shall be used by the state training school and by the Iowa
17 8 juvenile home for grants for adolescent pregnancy prevention
17 9 activities at the institutions in the fiscal year beginning
17 10 July 1, 2006.

17 11 Sec. 16. CHILD AND FAMILY SERVICES.

17 12 1. There is appropriated from the general fund of the
17 13 state to the department of human services for the fiscal year
17 14 beginning July 1, 2006, and ending June 30, 2007, the
17 15 following amount, or so much thereof as is necessary, to be
17 16 used for the purpose designated:

17 17 For child and family services:

17 18 \$ 78,550,043

17 19 In order to address a reduction of \$5,200,000 from the
17 20 amount allocated under this appropriation in prior years for
17 21 purposes of juvenile delinquent graduated sanction services,
17 22 up to \$5,200,000 of the amount of federal temporary assistance
17 23 for needy families block grant funding appropriated in this
17 24 division of this Act for child and family services, shall be
17 25 made available for purposes of juvenile delinquent graduated
17 26 sanction services.

17 27 2. The department may transfer funds appropriated in this
17 28 section as necessary to pay the nonfederal costs of services
17 29 reimbursed under the medical assistance program or the family
17 30 investment program which are provided to children who would
17 31 otherwise receive services paid under the appropriation in
17 32 this section. The department may transfer funds appropriated
17 33 in this section to the appropriations in this division of this
17 34 Act for general administration and for field operations for
17 35 resources necessary to implement and operate the services
18 1 funded in this section.

18 2 3. a. Of the funds appropriated in this section, up to
18 3 \$36,025,793 is allocated as the statewide expenditure target
18 4 under section 232.143 for group foster care maintenance and
18 5 services.

18 6 b. If at any time after September 30, 2006, annualization
18 7 of a service area's current expenditures indicates a service
18 8 area is at risk of exceeding its group foster care expenditure
18 9 target under section 232.143 by more than 5 percent, the
18 10 department and juvenile court services shall examine all group
18 11 foster care placements in that service area in order to
18 12 identify those which might be appropriate for termination. In
18 13 addition, any aftercare services believed to be needed for the
18 14 children whose placements may be terminated shall be
18 15 identified. The department and juvenile court services shall
18 16 initiate action to set dispositional review hearings for the
18 17 placements identified. In such a dispositional review
18 18 hearing, the juvenile court shall determine whether needed
18 19 aftercare services are available and whether termination of

18 20 the placement is in the best interest of the child and the
18 21 community.

18 22 4. In accordance with the provisions of section 232.188,
18 23 the department shall continue the decategorization of child
18 24 welfare and juvenile justice funding initiative. Of the funds
18 25 appropriated in this section, \$2,500,000 is allocated
18 26 specifically for expenditure through the decategorization
18 27 service funding pools and governance boards established
18 28 pursuant to section 232.188. In addition, up to \$1,000,000 of
18 29 the amount of federal temporary assistance for needy families
18 30 block grant funding appropriated in this division of this Act
18 31 for child and family services shall be made available for
18 32 purposes of the decategorization initiative as provided in
18 33 this subsection.

18 34 5. A portion of the funding appropriated in this section
18 35 may be used for emergency family assistance to provide other
19 1 resources required for a family participating in a family
19 2 preservation or reunification project to stay together or to
19 3 be reunified.

19 4 6. Notwithstanding section 234.35, subsection 1, for the
19 5 fiscal year beginning July 1, 2006, state funding for shelter
19 6 care paid pursuant to section 234.35, subsection 1, shall be
19 7 limited to \$7,359,766.

19 8 7. Federal funds received by the state during the fiscal
19 9 year beginning July 1, 2006, as the result of the expenditure
19 10 of state funds appropriated during a previous state fiscal
19 11 year for a service or activity funded under this section, are
19 12 appropriated to the department to be used as additional
19 13 funding for services and purposes provided for under this
19 14 section. Notwithstanding section 8.33, moneys received in
19 15 accordance with this subsection that remain unencumbered or
19 16 unobligated at the close of the fiscal year shall not revert
19 17 to any fund but shall remain available for the purposes
19 18 designated until the close of the succeeding fiscal year.

19 19 8. Of the moneys appropriated in this section, not more
19 20 than \$442,100 is allocated to provide clinical assessment
19 21 services as necessary to continue funding of children's
19 22 rehabilitation services under medical assistance in accordance
19 23 with federal law and requirements. The funding allocated is
19 24 the amount projected to be necessary for providing the
19 25 clinical assessment services.

19 26 9. Of the funding appropriated in this section, \$3,696,285
19 27 shall be used for protective child care assistance.

19 28 10. Of the moneys appropriated in this section, up to
19 29 \$3,002,844 is allocated for the payment of the expenses of
19 30 court-ordered services provided to juveniles which are a
19 31 charge upon the state pursuant to section 232.141, subsection

19 32 4. Of the amount allocated in this subsection, up to
19 33 \$1,505,161 shall be made available to provide school-based
19 34 supervision of children adjudicated under chapter 232, of
19 35 which not more than \$15,000 may be used for the purpose of
20 1 training. A portion of the cost of each school-based liaison
20 2 officer shall be paid by the school district or other funding
20 3 source as approved by the chief juvenile court officer.

20 4 a. Notwithstanding section 232.141 or any other provision
20 5 of law to the contrary, the amount allocated in this
20 6 subsection shall be distributed to the judicial districts as
20 7 determined by the state court administrator. The state court
20 8 administrator shall make the determination of the distribution
20 9 amounts on or before June 15, 2006.

20 10 b. Notwithstanding chapter 232 or any other provision of
20 11 law to the contrary, a district or juvenile court shall not
20 12 order any service which is a charge upon the state pursuant to
20 13 section 232.141 if there are insufficient court-ordered
20 14 services funds available in the district court distribution
20 15 amount to pay for the service. The chief juvenile court
20 16 officer shall encourage use of the funds allocated in this
20 17 subsection such that there are sufficient funds to pay for all
20 18 court-related services during the entire year. The chief
20 19 juvenile court officers shall attempt to anticipate potential
20 20 surpluses and shortfalls in the distribution amounts and shall
20 21 cooperatively request the state court administrator to
20 22 transfer funds between the districts' distribution amounts as
20 23 prudent.

20 24 c. Notwithstanding any provision of law to the contrary, a
20 25 district or juvenile court shall not order a county to pay for
20 26 any service provided to a juvenile pursuant to an order
20 27 entered under chapter 232 which is a charge upon the state
20 28 under section 232.141, subsection 4.

20 29 d. Of the funding allocated in this subsection, not more
20 30 than \$100,000 may be used by the judicial branch for

20 31 administration of the requirements under this subsection and
20 32 for travel associated with court-ordered placements which are
20 33 a charge upon the state pursuant to section 232.141,
20 34 subsection 4.

20 35 11. Notwithstanding 2000 Iowa Acts, chapter 1228, section
21 1 43, the department may operate a subsidized guardianship
21 2 program if the United States department of health and human
21 3 services approves a waiver under Title IV-E of the federal
21 4 Social Security Act or the federal Social Security Act is
21 5 amended to allow Title IV-E funding to be used for subsidized
21 6 guardianship, and the subsidized guardianship program can be
21 7 operated without loss of Title IV-E funds.

21 8 12. Of the amount appropriated in this section, \$1,000,000
21 9 shall be transferred to the Iowa department of public health
21 10 to be used for the child protection center grant program in
21 11 accordance with section 135.118.

21 12 13. If the department receives federal approval to
21 13 implement a waiver under Title IV-E of the federal Social
21 14 Security Act to enable providers to serve children who remain
21 15 in the children's families and communities, for purposes of
21 16 eligibility under the medical assistance program children who
21 17 participate in the waiver shall be considered to be placed in
21 18 foster care.

21 19 14. Funds appropriated in this section may be used to
21 20 provide continued support for youth who are age eighteen and
21 21 graduate from high school or complete a graduation equivalency
21 22 diploma after May 1, 2005, have a self-sufficiency plan, and
21 23 are continuing their education, working, or are in work
21 24 training. The department may amend existing contracts to
21 25 provide the additional services to this population. The
21 26 department may adopt emergency rules to implement the
21 27 provisions of this subsection.

21 28 Sec. 17. ADOPTION SUBSIDY.

21 29 1. There is appropriated from the general fund of the
21 30 state to the department of human services for the fiscal year
21 31 beginning July 1, 2006, and ending June 30, 2007, the
21 32 following amount, or so much thereof as is necessary, to be
21 33 used for the purpose designated:

21 34 For adoption subsidy payments and services:

21 35 \$ 33,446,063

22 1 2. The department may transfer funds appropriated in this
22 2 section to the appropriations in this Act for child and family
22 3 services to be used for adoptive family recruitment and other
22 4 services to achieve adoption.

22 5 3. Federal funds received by the state during the fiscal
22 6 year beginning July 1, 2006, as the result of the expenditure
22 7 of state funds during a previous state fiscal year for a
22 8 service or activity funded under this section, are
22 9 appropriated to the department to be used as additional
22 10 funding for the services and activities funded under this
22 11 section. Notwithstanding section 8.33, moneys received in
22 12 accordance with this subsection that remain unencumbered or
22 13 unobligated at the close of the fiscal year shall not revert
22 14 to any fund but shall remain available for expenditure for the
22 15 purposes designated until the close of the succeeding fiscal
22 16 year.

22 17 Sec. 18. JUVENILE DETENTION HOME FUND. Moneys deposited
22 18 in the juvenile detention home fund created in section 232.142
22 19 during the fiscal year beginning July 1, 2006, and ending June
22 20 30, 2007, are appropriated to the department of human services
22 21 for the fiscal year beginning July 1, 2006, and ending June
22 22 30, 2007, for distribution as follows:

22 23 1. An amount equal to 10 percent of the costs of the
22 24 establishment, improvement, operation, and maintenance of
22 25 county or multicounty juvenile detention homes in the fiscal
22 26 year beginning July 1, 2005. Moneys appropriated for
22 27 distribution in accordance with this subsection shall be
22 28 allocated among eligible detention homes, prorated on the
22 29 basis of an eligible detention home's proportion of the costs
22 30 of all eligible detention homes in the fiscal year beginning
22 31 July 1, 2005. Notwithstanding section 232.142, subsection 3,
22 32 the financial aid payable by the state under that provision
22 33 for the fiscal year beginning July 1, 2006, shall be limited
22 34 to the amount appropriated for the purposes of this
22 35 subsection.

23 1 2. For renewal of a grant to a county with a population
23 2 between 189,000 and 196,000 for implementation of the county's
23 3 runaway treatment plan under section 232.195:

23 4 \$ 80,000

23 5 3. For continuation and expansion of the community
23 6 partnership for child protection sites:

23 7 \$ 318,000
23 8 4. For continuation of the department's minority youth and
23 9 family projects under the redesign of the child welfare
23 10 system:
23 11 \$ 375,000
23 12 5. For grants to counties implementing a runaway treatment
23 13 plan under section 232.195.
23 14 6. The remainder for additional allocations to county or
23 15 multicounty juvenile detention homes, in accordance with the
23 16 distribution requirements of subsection 1.
23 17 Sec. 19. FOR THE COMPREHENSIVE FAMILY SUPPORT SUBSIDY
23 18 PROGRAM. There is appropriated from the general fund of the
23 19 state to the department of human services for the fiscal year
23 20 beginning July 1, 2006, and ending June 30, 2007, the
23 21 following amount, or so much thereof as is necessary, to be
23 22 used for the purpose designated:
23 23 For the family support subsidy program:
23 24 \$ 1,936,434
23 25 1. The department shall use at least \$333,312 of the
23 26 moneys appropriated in this section to continue the children=
23 27 at-home program in current counties, and if funds are
23 28 available after exhausting the family support subsidy waiting
23 29 list, to expand the program to additional counties. Not more
23 30 than \$20,000 of the amount allocated in this subsection shall
23 31 be used for administrative costs.
23 32 2. Notwithstanding contrary provisions of section 225C.38,
23 33 subsection 1, the monthly family support subsidy payment
23 34 amount for the fiscal year beginning July 1, 2006, shall be
23 35 determined by the department in consultation with the council
24 1 created in section 225C.48, not to exceed the amount in effect
24 2 on June 30, 2006.
24 3 Sec. 20. CONNER DECREE. There is appropriated from the
24 4 general fund of the state to the department of human services
24 5 for the fiscal year beginning July 1, 2006, and ending June
24 6 30, 2007, the following amount, or so much thereof as is
24 7 necessary, to be used for the purpose designated:
24 8 For building community capacity through the coordination
24 9 and provision of training opportunities in accordance with the
24 10 consent decree of Conner v. Branstad, No. 4=86=CV=30871(S.D.
24 11 Iowa, July 14, 1994):
24 12 \$ 42,623
24 13 Sec. 21. MENTAL HEALTH INSTITUTES. There is appropriated
24 14 from the general fund of the state to the department of human
24 15 services for the fiscal year beginning July 1, 2006, and
24 16 ending June 30, 2007, the following amounts, or so much
24 17 thereof as is necessary, to be used for the purposes
24 18 designated:
24 19 1. For the state mental health institute at Cherokee for
24 20 salaries, support, maintenance, and miscellaneous purposes:
24 21 \$ 4,893,698
24 22 2. For the state mental health institute at Clarinda for
24 23 salaries, support, maintenance, and miscellaneous purposes:
24 24 \$ 5,929,344
24 25 3. For the state mental health institute at Independence
24 26 for salaries, support, maintenance, and miscellaneous
24 27 purposes:
24 28 \$ 9,006,899
24 29 4. For the state mental health institute at Mount Pleasant
24 30 for salaries, support, maintenance, and miscellaneous
24 31 purposes:
24 32 \$ 596,333
24 33 Sec. 22. STATE RESOURCE CENTERS. There is appropriated
24 34 from the general fund of the state to the department of human
24 35 services for the fiscal year beginning July 1, 2006, and
25 1 ending June 30, 2007, the following amounts, or so much
25 2 thereof as is necessary, to be used for the purposes
25 3 designated:
25 4 1. For the state resource center at Glenwood for salaries,
25 5 support, maintenance, and miscellaneous purposes:
25 6 \$ 14,506,583
25 7 2. For the state resource center at Woodward for salaries,
25 8 support, maintenance, and miscellaneous purposes:
25 9 \$ 8,590,761
25 10 3. The department may continue to bill for state resource
25 11 center services utilizing a scope of services approach used
25 12 for private providers of ICFMR services, in a manner which
25 13 does not shift costs between the medical assistance program,
25 14 counties, or other sources of funding for the state resource
25 15 centers.
25 16 4. The state resource centers may expand the time limited
25 17 assessment and respite services during the fiscal year.

25 18 5. If the department's administration and the department
25 19 of management concur with a finding by a state resource
25 20 center's superintendent that projected revenues can reasonably
25 21 be expected to pay the salary and support costs for a new
25 22 employee position, or that such costs for adding a particular
25 23 number of new positions for the fiscal year would be less than
25 24 the overtime costs if new positions would not be added, the
25 25 superintendent may add the new position or positions. If the
25 26 vacant positions available to a resource center do not include
25 27 the position classification desired to be filled, the state
25 28 resource center's superintendent may reclassify any vacant
25 29 position as necessary to fill the desired position. The
25 30 superintendents of the state resource centers may, by mutual
25 31 agreement, pool vacant positions and position classifications
25 32 during the course of the fiscal year in order to assist one
25 33 another in filling necessary positions.

25 34 6. If existing capacity limitations are reached in
25 35 operating units, a waiting list is in effect for a service or
26 1 a special need for which a payment source or other funding is
26 2 available for the service or to address the special need, and
26 3 facilities for the service or to address the special need can
26 4 be provided within the available payment source or other
26 5 funding, the superintendent of a state resource center may
26 6 authorize opening not more than two units or other facilities
26 7 and to begin implementing the service or addressing the
26 8 special need during fiscal year 2006=2007.

26 9 Sec. 23. MI/MR/DD STATE CASES.

26 10 1. There is appropriated from the general fund of the
26 11 state to the department of human services for the fiscal year
26 12 beginning July 1, 2006, and ending June 30, 2007, the
26 13 following amount, or so much thereof as is necessary, to be
26 14 used for the purpose designated:

26 15 For purchase of local services for persons with mental
26 16 illness, mental retardation, and developmental disabilities
26 17 where the client has no established county of legal
26 18 settlement:

26 19 \$ 11,013,320

26 20 2. For the fiscal year beginning July 1, 2006, and ending
26 21 June 30, 2007, \$100,000 is allocated for state cases from the
26 22 amounts appropriated from the fund created in section 8.41 to
26 23 the department of human services from the funds received from
26 24 the federal government under 42 U.S.C., chapter 6A, subchapter
26 25 XVII, relating to the community mental health center block
26 26 grant, for the federal fiscal years beginning October 1, 2004,
26 27 and ending September 30, 2005, beginning October 1, 2005, and
26 28 ending September 30, 2006, and beginning October 1, 2006, and
26 29 ending September 30, 2007. The allocation made in this
26 30 subsection shall be made prior to any other distribution
26 31 allocation of the appropriated federal funds.

26 32 Sec. 24. MENTAL HEALTH AND DEVELOPMENTAL DISABILITIES ==

26 33 COMMUNITY SERVICES FUND. There is appropriated from the
26 34 general fund of the state to the mental health and
26 35 developmental disabilities community services fund created in
27 1 section 225C.7 for the fiscal year beginning July 1, 2006, and
27 2 ending June 30, 2007, the following amount, or so much thereof
27 3 as is necessary, to be used for the purpose designated:

27 4 For mental health and developmental disabilities community
27 5 services in accordance with this division of this Act:

27 6 \$ 17,757,890

27 7 1. Of the funds appropriated in this section, \$17,727,890
27 8 shall be allocated to counties for funding of community-based
27 9 mental health and developmental disabilities services. The
27 10 moneys shall be allocated to a county as follows:

27 11 a. Fifty percent based upon the county's proportion of the
27 12 state's population of persons with an annual income which is
27 13 equal to or less than the poverty guideline established by the
27 14 federal office of management and budget.

27 15 b. Fifty percent based upon the county's proportion of the
27 16 state's general population.

27 17 2. a. A county shall utilize the funding the county
27 18 receives pursuant to subsection 1 for services provided to
27 19 persons with a disability, as defined in section 225C.2.
27 20 However, no more than 50 percent of the funding shall be used
27 21 for services provided to any one of the service populations.

27 22 b. A county shall use at least 50 percent of the funding
27 23 the county receives under subsection 1 for contemporary
27 24 services provided to persons with a disability, as described
27 25 in rules adopted by the department.

27 26 3. Of the funds appropriated in this section, \$30,000
27 27 shall be used to support the Iowa compass program providing
27 28 computerized information and referral services for Iowans with

27 29 disabilities and their families.

27 30 4. a. Funding appropriated for purposes of the federal

27 31 social services block grant is allocated for distribution to

27 32 counties for local purchase of services for persons with

27 33 mental illness or mental retardation or other developmental

27 34 disability.

27 35 b. The funds allocated in this subsection shall be

28 1 expended by counties in accordance with the county's approved

28 2 county management plan. A county without an approved county

28 3 management plan shall not receive allocated funds until the

28 4 county's management plan is approved.

28 5 c. The funds provided by this subsection shall be

28 6 allocated to each county as follows:

28 7 (1) Fifty percent based upon the county's proportion of

28 8 the state's population of persons with an annual income which

28 9 is equal to or less than the poverty guideline established by

28 10 the federal office of management and budget.

28 11 (2) Fifty percent based upon the amount provided to the

28 12 county for local purchase of services in the preceding fiscal

28 13 year.

28 14 5. A county is eligible for funds under this section if

28 15 the county qualifies for a state payment as described in

28 16 section 331.439.

28 17 Sec. 25. SEXUALLY VIOLENT PREDATORS.

28 18 1. There is appropriated from the general fund of the

28 19 state to the department of human services for the fiscal year

28 20 beginning July 1, 2006, and ending June 30, 2007, the

28 21 following amount, or so much thereof as is necessary, to be

28 22 used for the purpose designated:

28 23 For costs associated with the commitment and treatment of

28 24 sexually violent predators in the unit located at the state

28 25 mental health institute at Cherokee, including costs of legal

28 26 services and other associated costs, including salaries,

28 27 support, maintenance, and miscellaneous purposes:

28 28 \$ 4,750,704

28 29 2. Unless specifically prohibited by law, if the amount

28 30 charged provides for recoupment of at least the entire amount

28 31 of direct and indirect costs, the department of human services

28 32 may contract with other states to provide care and treatment

28 33 of persons placed by the other states at the unit for sexually

28 34 violent predators at Cherokee. The moneys received under such

28 35 a contract shall be considered to be repayment receipts and

29 1 used for the purposes of the appropriation made in this

29 2 section.

29 3 Sec. 26. FIELD OPERATIONS. There is appropriated from the

29 4 general fund of the state to the department of human services

29 5 for the fiscal year beginning July 1, 2006, and ending June

29 6 30, 2007, the following amount, or so much thereof as is

29 7 necessary, to be used for the purposes designated:

29 8 For field operations, including salaries, support,

29 9 maintenance, and miscellaneous purposes:

29 10 \$ 58,755,700

29 11 Priority in filling full-time equivalent positions shall be

29 12 given to those positions related to child protection services.

29 13 Sec. 27. GENERAL ADMINISTRATION. There is appropriated

29 14 from the general fund of the state to the department of human

29 15 services for the fiscal year beginning July 1, 2006, and

29 16 ending June 30, 2007, the following amount, or so much thereof

29 17 as is necessary, to be used for the purpose designated:

29 18 For general administration, including salaries, support,

29 19 maintenance, and miscellaneous purposes:

29 20 \$ 14,028,679

29 21 1. Of the funds appropriated in this section, \$57,000 is

29 22 allocated for the prevention of disabilities policy council

29 23 established in section 225B.3.

29 24 2. Of the funds appropriated in this section, \$30,000 is

29 25 allocated to the department of human services for a statewide

29 26 coordinator for the program of all-inclusive care for the

29 27 elderly (PACE) as defined in section 249H.3. The coordinator

29 28 shall work in collaboration with the department of elder

29 29 affairs in carrying out the coordinator's duties.

29 30 Sec. 28. VOLUNTEERS. There is appropriated from the

29 31 general fund of the state to the department of human services

29 32 for the fiscal year beginning July 1, 2006, and ending June

29 33 30, 2007, the following amount, or so much thereof as is

29 34 necessary, to be used for the purpose designated:

29 35 For development and coordination of volunteer services:

30 1 \$ 109,568

30 2 Sec. 29. MEDICAL ASSISTANCE, STATE SUPPLEMENTARY

30 3 ASSISTANCE, AND SOCIAL SERVICE PROVIDERS REIMBURSED UNDER THE

30 4 DEPARTMENT OF HUMAN SERVICES.

30 5 1. a. (1) For the fiscal year beginning July 1, 2006,
30 6 nursing facilities shall be reimbursed at 100 percent of the
30 7 modified price-based case-mix reimbursement rate. Nursing
30 8 facilities reimbursed under the medical assistance program
30 9 shall submit annual cost reports and additional documentation
30 10 as required by rules adopted by the department.

30 11 (2) For the fiscal year beginning July 1, 2006, the total
30 12 state funding amount for the nursing facility budget shall not
30 13 exceed \$163,667,000. The department, in cooperation with
30 14 nursing facility representatives, shall review projections for
30 15 state funding expenditures for reimbursement of nursing
30 16 facilities on a quarterly basis and the department shall
30 17 determine if an adjustment to the medical assistance
30 18 reimbursement rate is necessary in order to provide
30 19 reimbursement within the state funding amount. Any temporary
30 20 enhanced federal financial participation that may become
30 21 available to the Iowa medical assistance program during the
30 22 fiscal year shall not be used in projecting the nursing
30 23 facility budget. Notwithstanding 2001 Iowa Acts, chapter 192,
30 24 section 4, subsection 2, paragraph "c", and subsection 3,
30 25 paragraph "a", subparagraph (2), if the state funding
30 26 expenditures for the nursing facility budget for the fiscal
30 27 year beginning July 1, 2006, are projected to exceed the
30 28 amount specified in this subparagraph, the department shall
30 29 adjust the inflation factor of the reimbursement rate
30 30 calculation for only the nursing facilities reimbursed under
30 31 the case-mix reimbursement system to maintain expenditures of
30 32 the nursing facility budget within the specified amount.

30 33 b. For the fiscal year beginning July 1, 2006, the
30 34 department shall reimburse pharmacy dispensing fees using a
30 35 single rate of \$4.39 per prescription, or the pharmacy's usual
31 1 and customary fee, whichever is lower.

31 2 c. For the fiscal year beginning July 1, 2006,
31 3 reimbursement rates for inpatient and outpatient hospital
31 4 services shall remain at the rates in effect on June 30, 2006.
31 5 The department shall continue the outpatient hospital
31 6 reimbursement system based upon ambulatory patient groups
31 7 implemented pursuant to 1994 Iowa Acts, chapter 1186, section
31 8 25, subsection 1, paragraph "f". In addition, the department
31 9 shall continue the revised medical assistance payment policy
31 10 implemented pursuant to that paragraph to provide
31 11 reimbursement for costs of screening and treatment provided in
31 12 the hospital emergency room if made pursuant to the
31 13 prospective payment methodology developed by the department
31 14 for the payment of outpatient services provided under the
31 15 medical assistance program. Any rebasing of hospital
31 16 inpatient or outpatient rates shall not increase total
31 17 payments for inpatient and outpatient services.

31 18 d. For the fiscal year beginning July 1, 2006,
31 19 reimbursement rates for rural health clinics, hospices,
31 20 independent laboratories, and acute mental hospitals shall be
31 21 increased in accordance with increases under the federal
31 22 Medicare program or as supported by their Medicare audited
31 23 costs.

31 24 e. (1) For the fiscal year beginning July 1, 2006,
31 25 reimbursement rates for home health agencies shall remain at
31 26 the rates in effect on June 30, 2006, not to exceed a home
31 27 health agency's actual allowable cost.

31 28 (2) The department shall establish a fixed-fee
31 29 reimbursement schedule for home health agencies under the
31 30 medical assistance program beginning July 1, 2006.

31 31 f. For the fiscal year beginning July 1, 2006, federally
31 32 qualified health centers shall receive cost-based
31 33 reimbursement for 100 percent of the reasonable costs for the
31 34 provision of services to recipients of medical assistance.

31 35 g. Beginning July 1, 2006, the reimbursement rates for
32 1 dental services shall remain at the rates in effect on June
32 2 30, 2006.

32 3 h. Beginning July 1, 2006, the reimbursement rates for
32 4 community mental health centers shall remain at the rates in
32 5 effect on June 30, 2006.

32 6 i. For the fiscal year beginning July 1, 2006, the maximum
32 7 reimbursement rate for psychiatric medical institutions for
32 8 children shall be \$156.03 per day.

32 9 j. For the fiscal year beginning July 1, 2006, unless
32 10 otherwise specified in this Act, all noninstitutional medical
32 11 assistance provider reimbursement rates shall remain at the
32 12 rates in effect on June 30, 2006, except for area education
32 13 agencies, local education agencies, infant and toddler
32 14 services providers, and those providers whose rates are
32 15 required to be determined pursuant to section 249A.20.

32 16 k. Notwithstanding section 249A.20, for the fiscal year
32 17 beginning July 1, 2006, the average reimbursement rate for
32 18 health care providers eligible for use of the federal Medicare
32 19 resource-based relative value scale reimbursement methodology
32 20 under that section shall remain at the rate in effect on June
32 21 30, 2006; however, this rate shall not exceed the maximum
32 22 level authorized by the federal government.

32 23 2. For the fiscal year beginning July 1, 2006, the
32 24 reimbursement rate for residential care facilities shall not
32 25 be less than the minimum payment level as established by the
32 26 federal government to meet the federally mandated maintenance
32 27 of effort requirement. The flat reimbursement rate for
32 28 facilities electing not to file semiannual cost reports shall
32 29 not be less than the minimum payment level as established by
32 30 the federal government to meet the federally mandated
32 31 maintenance of effort requirement.

32 32 3. For the fiscal year beginning July 1, 2006, the
32 33 reimbursement rate for providers reimbursed under the in=
32 34 home-related care program shall not be less than the minimum
32 35 payment level as established by the federal government to meet
33 1 the federally mandated maintenance of effort requirement.

33 2 4. Unless otherwise directed in this section, when the
33 3 department's reimbursement methodology for any provider
33 4 reimbursed in accordance with this section includes an
33 5 inflation factor, this factor shall not exceed the amount by
33 6 which the consumer price index for all urban consumers
33 7 increased during the calendar year ending December 31, 2002.

33 8 5. Notwithstanding section 234.38, in the fiscal year
33 9 beginning July 1, 2006, the foster family basic daily
33 10 maintenance rate and the maximum adoption subsidy rate for
33 11 children ages 0 through 5 years shall be \$15.31, the rate for
33 12 children ages 6 through 11 years shall be \$15.99, the rate for
33 13 children ages 12 through 15 years shall be \$17.57, and the
33 14 rate for children ages 16 and older shall be \$17.73.

33 15 6. For the fiscal year beginning July 1, 2006, the maximum
33 16 reimbursement rates for social service providers shall remain
33 17 at the rates in effect on June 30, 2006, or to the provider's
33 18 actual and allowable cost plus inflation for each service,
33 19 whichever is less. The rates may also be adjusted under any
33 20 of the following circumstances:

33 21 a. If a new service was added after June 30, 2006, the
33 22 initial reimbursement rate for the service shall be based upon
33 23 actual and allowable costs.

33 24 b. If a social service provider loses a source of income
33 25 used to determine the reimbursement rate for the provider, the
33 26 provider's reimbursement rate may be adjusted to reflect the
33 27 loss of income, provided that the lost income was used to
33 28 support actual and allowable costs of a service purchased
33 29 under a purchase of service contract.

33 30 7. The group foster care reimbursement rates paid for
33 31 placement of children out of state shall be calculated
33 32 according to the same rate-setting principles as those used
33 33 for in-state providers unless the director of human services
33 34 or the director's designee determines that appropriate care
33 35 cannot be provided within the state. The payment of the daily
34 1 rate shall be based on the number of days in the calendar
34 2 month in which service is provided.

34 3 8. For the fiscal year beginning July 1, 2006, the
34 4 reimbursement rates for rehabilitative treatment and support
34 5 services providers shall remain at the rates in effect on June
34 6 30, 2006.

34 7 9. a. For the fiscal year beginning July 1, 2006, the
34 8 combined service and maintenance components of the
34 9 reimbursement rate paid for shelter care services purchased
34 10 under a contract shall be based on the financial and
34 11 statistical report submitted to the department. The maximum
34 12 reimbursement rate shall be \$86.20 per day. The department
34 13 shall reimburse a shelter care provider at the provider's
34 14 actual and allowable unit cost, plus inflation, not to exceed
34 15 the maximum reimbursement rate.

34 16 b. Notwithstanding section 232.141, subsection 8, for the
34 17 fiscal year beginning July 1, 2006, the amount of the
34 18 statewide average of the actual and allowable rates for
34 19 reimbursement of juvenile shelter care homes that is utilized
34 20 for the limitation on recovery of unpaid costs shall remain at
34 21 the amount in effect for this purpose in the preceding fiscal
34 22 year.

34 23 The reimbursement system for shelter care should provide a
34 24 level of financial stability to providers, while minimizing
34 25 reimbursement for unused beds.

34 26 10. For the fiscal year beginning July 1, 2006, the

34 27 department shall calculate reimbursement rates for
 34 28 intermediate care facilities for persons with mental
 34 29 retardation at the 80th percentile.
 34 30 11. For the fiscal year beginning July 1, 2006, for child
 34 31 care providers reimbursed under the state child care
 34 32 assistance program, the department shall set provider
 34 33 reimbursement rates based on the rate reimbursement survey
 34 34 completed in December 2002. The department shall set rates in
 34 35 a manner so as to provide incentives for a nonregistered
 35 1 provider to become registered. If the federal government
 35 2 provides additional funding for child care during the fiscal
 35 3 year beginning July 1, 2006, the additional funding shall be
 35 4 used to develop and implement an electronic billing and
 35 5 payment system for child care providers.
 35 6 12. For the fiscal year beginning July 1, 2006,
 35 7 reimbursements for providers reimbursed by the department of
 35 8 human services may be modified if appropriated funding is
 35 9 allocated for that purpose from the senior living trust fund
 35 10 created in section 249H.4, or as specified in appropriations
 35 11 from the healthy Iowans tobacco trust created in section
 35 12 12.65.
 35 13 13. The department may adopt emergency rules to implement
 35 14 this section.
 35 15 Sec. 30. EMERGENCY RULES. If specifically authorized by a
 35 16 provision of this division of this Act, the department of
 35 17 human services or the mental health, mental retardation,
 35 18 developmental disabilities, and brain injury commission may
 35 19 adopt administrative rules under section 17A.4, subsection 2,
 35 20 and section 17A.5, subsection 2, paragraph "b", to implement
 35 21 the provisions and the rules shall become effective
 35 22 immediately upon filing or on a later effective date specified
 35 23 in the rules, unless the effective date is delayed by the
 35 24 administrative rules review committee. Any rules adopted in
 35 25 accordance with this section shall not take effect before the
 35 26 rules are reviewed by the administrative rules review
 35 27 committee. The delay authority provided to the administrative
 35 28 rules review committee under section 17A.4, subsection 5, and
 35 29 section 17A.8, subsection 9, shall be applicable to a delay
 35 30 imposed under this section, notwithstanding a provision in
 35 31 those sections making them inapplicable to section 17A.5,
 35 32 subsection 2, paragraph "b". Any rules adopted in accordance
 35 33 with the provisions of this section shall also be published as
 35 34 notice of intended action as provided in section 17A.4.
 35 35 Sec. 31. REPORTS. Any reports or information required to
 36 1 be compiled and submitted under this division of this Act
 36 2 shall be submitted to the chairpersons and ranking members of
 36 3 the joint appropriations subcommittee on health and human
 36 4 services, the legislative services agency, and the legislative
 36 5 caucus staffs on or before the dates specified for submission
 36 6 of the reports or information.
 36 7 Sec. 32. 2005 Iowa Acts, chapter 175, section 4,
 36 8 subsection 2, is amended by adding the following new
 36 9 unnumbered paragraph:
 36 10 NEW UNNUMBERED PARAGRAPH. Notwithstanding section 8.33 and
 36 11 section 35D.18, subsection 5, moneys appropriated in this
 36 12 subsection that remain unencumbered or unobligated at the
 36 13 close of the fiscal year shall not revert but shall remain
 36 14 available for expenditure for the purposes designated until
 36 15 the close of the succeeding fiscal year.
 36 16 Sec. 33. 2005 Iowa Acts, chapter 175, section 12, is
 36 17 amended by adding the following new subsection:
 36 18 NEW SUBSECTION. 4. Notwithstanding section 8.33, moneys
 36 19 appropriated in this section that remain unencumbered or
 36 20 unobligated at the close of the fiscal year shall not revert
 36 21 but shall remain available for expenditure for the purposes
 36 22 designated until the close of the succeeding fiscal year.
 36 23 Sec. 34. 2005 Iowa Acts, chapter 179, section 146, is
 36 24 amended to read as follows:
 36 25 SEC. 146. EFFECTIVE DATE. The section of this division of
 36 26 this Act amending section 123.53 takes effect July 1, ~~2006~~
 36 27 2007.
 36 28 Sec. 35. EFFECTIVE DATES. The following provisions of
 36 29 this division of this Act, being deemed of immediate
 36 30 importance, take effect upon enactment:
 36 31 1. The provision amending 2005 Iowa Acts, chapter 175,
 36 32 section 4.
 36 33 2. The provision amending 2005 Iowa Acts, chapter 175,
 36 34 section 12.
 36 35 3. The provision amending 2005 Iowa Acts, chapter 179,
 37 1 section 146.

37 3 SENIOR LIVING TRUST FUND,
 37 4 PHARMACEUTICAL SETTLEMENT ACCOUNT,
 37 5 IOWACARE ACCOUNT, AND HEALTH CARE
 37 6 TRANSFORMATION ACCOUNT
 37 7 Sec. 36. DEPARTMENT OF ELDER AFFAIRS. There is
 37 8 appropriated from the senior living trust fund created in
 37 9 section 249H.4 to the department of elder affairs for the
 37 10 fiscal year beginning July 1, 2006, and ending June 30, 2007,
 37 11 the following amount, or so much thereof as is necessary, to
 37 12 be used for the purpose designated:
 37 13 For the development and implementation of a comprehensive
 37 14 senior living program, including program administration and
 37 15 costs associated with implementation, salaries, support,
 37 16 maintenance, and miscellaneous purposes:
 37 17 \$ 8,357,253
 37 18 Notwithstanding section 249H.7, the department of elder
 37 19 affairs shall distribute up to \$400,000 of the funds
 37 20 appropriated in this section in a manner that will supplement
 37 21 and maximize federal funds under the federal Older Americans
 37 22 Act and shall not use the amount distributed for any
 37 23 administrative purposes of either the department of elder
 37 24 affairs or the area agencies on aging.
 37 25 Sec. 37. DEPARTMENT OF INSPECTIONS AND APPEALS. There is
 37 26 appropriated from the senior living trust fund created in
 37 27 section 249H.4 to the department of inspections and appeals
 37 28 for the fiscal year beginning July 1, 2006, and ending June
 37 29 30, 2007, the following amount, or so much thereof as is
 37 30 necessary, to be used for the purpose designated:
 37 31 For the inspection and certification of assisted living
 37 32 facilities and adult day care services, including program
 37 33 administration and costs associated with implementation,
 37 34 salaries, support, maintenance, and miscellaneous purposes:
 37 35 \$ 825,724
 38 1 Sec. 38. DEPARTMENT OF HUMAN SERVICES. There is
 38 2 appropriated from the senior living trust fund created in
 38 3 section 249H.4 to the department of human services for the
 38 4 fiscal year beginning July 1, 2006, and ending June 30, 2007,
 38 5 the following amounts, or so much thereof as is necessary, to
 38 6 be used for the purposes designated:
 38 7 To supplement the medical assistance appropriation,
 38 8 including program administration and costs associated with
 38 9 implementation, salaries, support, maintenance, and
 38 10 miscellaneous purposes:
 38 11 \$105,771,140
 38 12 In order to carry out the purposes of this section, the
 38 13 department shall transfer funds appropriated in this section
 38 14 to supplement other appropriations made to the department of
 38 15 human services.
 38 16 Sec. 39. IOWA FINANCE AUTHORITY. There is appropriated
 38 17 from the senior living trust fund created in section 249H.4 to
 38 18 the Iowa finance authority for the fiscal year beginning July
 38 19 1, 2006, and ending June 30, 2007, the following amount, or so
 38 20 much thereof as is necessary, to be used for the purposes
 38 21 designated:
 38 22 To provide reimbursement for rent expenses to eligible
 38 23 persons:
 38 24 \$ 700,000
 38 25 Participation in the rent subsidy program shall be limited
 38 26 to only those persons who meet the nursing facility level of
 38 27 care for home and community-based services waiver services as
 38 28 established on or after July 1, 2006.
 38 29 Sec. 40. PHARMACEUTICAL SETTLEMENT ACCOUNT. There is
 38 30 appropriated from the pharmaceutical settlement account
 38 31 created in section 249A.33 to the department of human services
 38 32 for the fiscal year beginning July 1, 2006, and ending June
 38 33 30, 2007, the following amount, or so much thereof as is
 38 34 necessary, to be used for the purpose designated:
 38 35 To supplement the appropriations made for medical contracts
 39 1 under the medical assistance program:
 39 2 \$ 85,000
 39 3 Sec. 41. APPROPRIATIONS FROM IOWACARE ACCOUNT.
 39 4 1. There is appropriated from the Iowacare account created
 39 5 in section 249J.24 to the state board of regents for
 39 6 distribution to the university of Iowa hospitals and clinics
 39 7 for the fiscal year beginning July 1, 2006, and ending June
 39 8 30, 2007, the following amount, or so much thereof as is
 39 9 necessary, to be used for the purposes designated:
 39 10 For salaries, support, maintenance, equipment, and
 39 11 miscellaneous purposes, for the provision of medical and
 39 12 surgical treatment of indigent patients, for provision of
 39 13 services to members of the expansion population pursuant to

chapter 249J, and for medical education:
..... \$ 27,284,584

a. The university of Iowa hospitals and clinics shall, when medically appropriate, make reasonable efforts to extend the university of Iowa hospitals and clinics' use of home telemedicine and other technologies to reduce the frequency of visits to the hospital required by indigent patients.

b. The university of Iowa hospitals and clinics shall submit quarterly a report regarding the portion of the appropriation in this subsection expended on medical education. The report shall be submitted in a format jointly developed by the university of Iowa hospitals and clinics, the legislative services agency, and the department of management, and shall delineate the expenditures and purposes of the funds.

c. Funds appropriated in this subsection shall not be used to perform abortions except medically necessary abortions, and shall not be used to operate the early termination of pregnancy clinic except for the performance of medically necessary abortions. For the purpose of this subsection, an abortion is the purposeful interruption of pregnancy with the intention other than to produce a live-born infant or to remove a dead fetus, and a medically necessary abortion is one performed under one of the following conditions:

- (1) The attending physician certifies that continuing the pregnancy would endanger the life of the pregnant woman.
- (2) The attending physician certifies that the fetus is physically deformed, mentally deficient, or afflicted with a congenital illness.
- (3) The pregnancy is the result of a rape which is reported within 45 days of the incident to a law enforcement agency or public or private health agency which may include a family physician.
- (4) The pregnancy is the result of incest which is reported within 150 days of the incident to a law enforcement agency or public or private health agency which may include a family physician.
- (5) The abortion is a spontaneous abortion, commonly known as a miscarriage, wherein not all of the products of conception are expelled.

2. There is appropriated from the Iowacare account created in section 249J.24 to the department of human services for distribution to a publicly owned acute care teaching hospital located in a county with a population over three hundred fifty thousand for the fiscal year beginning July 1, 2006, and ending June 30, 2007, the following amount, or so much thereof as is necessary, to be used for the purposes designated:
For the provision of medical and surgical treatment of indigent patients, for provision of services to members of the expansion population pursuant to chapter 249J, and for medical education:
..... \$ 37,000,000

3. There is appropriated from the Iowacare account created in section 249J.24 to the department of human services for the state hospitals for persons with mental illness designated in section 226.1 for the fiscal year beginning July 1, 2006, and ending June 30, 2007, the following amounts, or so much thereof as is necessary, to be used for the purposes designated:

- a. For the state mental health institute at Cherokee, for salaries, support, maintenance, and miscellaneous purposes, including services to members of the expansion population pursuant to chapter 249J:
..... \$ 9,098,425
- b. For the state mental health institute at Clarinda, for salaries, support, maintenance, and miscellaneous purposes, including services to members of the expansion population pursuant to chapter 249J:
..... \$ 1,977,305
- c. For the state mental health institute at Independence, for salaries, support, maintenance, and miscellaneous purposes, including services to members of the expansion population pursuant to chapter 249J:
..... \$ 9,045,894
- d. For the state mental health institute at Mount Pleasant, for salaries, support, maintenance, and miscellaneous purposes, including services to members of the expansion population designation pursuant to chapter 249J:
..... \$ 5,752,587

Sec. 42. APPROPRIATIONS FROM ACCOUNT FOR HEALTH CARE TRANSFORMATION. There is appropriated from the account for

41 25 health care transformation created in section 249J.23, to the
 41 26 department of human services, for the fiscal year beginning
 41 27 July 1, 2006, and ending June 30, 2007, the following amounts,
 41 28 or so much thereof as is necessary, to be used for the
 41 29 purposes designated:
 41 30 1. For the costs of medical examinations and development
 41 31 of personal health improvement plans for the expansion
 41 32 population pursuant to section 249J.6:
 41 33 \$ 556,800
 41 34 2. For the provision of a medical information hotline for
 41 35 the expansion population as provided in section 249J.6:
 42 1 \$ 150,000
 42 2 3. For the insurance cost subsidy program pursuant to
 42 3 section 249J.8:
 42 4 \$ 1,500,000
 42 5 4. For the health care account program option pursuant to
 42 6 section 249J.8:
 42 7 \$ 400,000
 42 8 5. For the use of electronic medical records by medical
 42 9 assistance program and expansion population provider network
 42 10 providers pursuant to section 249J.14:
 42 11 \$ 2,000,000
 42 12 6. For other health partnership activities pursuant to
 42 13 section 249J.14:
 42 14 \$ 550,000
 42 15 7. For the costs related to audits, performance
 42 16 evaluations, and studies required pursuant to chapter 249J:
 42 17 \$ 100,000
 42 18 8. For administrative costs associated with chapter 249J:
 42 19 \$ 930,352
 42 20 9. For development of a case-mix acuity-based
 42 21 reimbursement system for intermediate care facilities for
 42 22 persons with mental retardation:
 42 23 \$ 150,000
 42 24 10. For development of a provider incentive payment
 42 25 program to reward performance and quality of service:
 42 26 \$ 50,000
 42 27 Sec. 43. TRANSFER FROM ACCOUNT FOR HEALTH CARE
 42 28 TRANSFORMATION. There is transferred from the account for
 42 29 health care transformation created pursuant to section
 42 30 249J.23, to the Iowacare account created in section 249J.24, a
 42 31 total of \$3,000,000 for the fiscal year beginning July 1,
 42 32 2006, and ending June 30, 2007.
 42 33 Sec. 44. MEDICAL ASSISTANCE PROGRAM == REVERSION TO SENIOR
 42 34 LIVING TRUST FUND FOR FY 2006=2007. Notwithstanding section
 42 35 8.33, if moneys appropriated for purposes of the medical
 43 1 assistance program for the fiscal year beginning July 1, 2006,
 43 2 and ending June 30, 2007, from the general fund of the state,
 43 3 the senior living trust fund, and the healthy Iowans tobacco
 43 4 trust fund are in excess of actual expenditures for the
 43 5 medical assistance program and remain unencumbered or
 43 6 unobligated at the close of the fiscal year, the excess moneys
 43 7 shall not revert but shall remain available to be used for the
 43 8 purposes designated until the close of the succeeding fiscal
 43 9 year.
 43 10 Sec. 45. Section 249H.11, Code 2005, is amended to read as
 43 11 follows:
 43 12 249H.11 ~~FUTURE REPEAL GRANTS == NONREVERSION.~~
 43 13 ~~1. Section 249H.6 is repealed on June 30, 2005. However,~~
 43 14 ~~Nursing facility conversion and long-term care services~~
 43 15 ~~development grants awarded and moneys appropriated for grants~~
 43 16 ~~on or before June 30, 2005, shall be disbursed to eligible~~
 43 17 ~~applicants after that date if necessary.~~
 43 18 ~~2. Notwithstanding section 8.33, moneys committed from the~~
 43 19 ~~senior living trust fund to grantees under contract to provide~~
 43 20 ~~for conversion to assisted living programs or for development~~
 43 21 ~~of long-term care alternatives that remain unexpended at the~~
 43 22 ~~close of any fiscal year shall not revert to any fund but~~
 43 23 ~~shall remain available for expenditure for the purposes of the~~
 43 24 ~~contract.~~
 43 25 Sec. 46. EFFECTIVE DATE. The section of this division of
 43 26 this Act amending section 249H.11, being deemed of immediate
 43 27 importance, takes effect upon enactment.
 43 28 DIVISION III
 43 29 MENTAL HEALTH, MENTAL RETARDATION,
 43 30 DEVELOPMENTAL DISABILITIES,
 43 31 AND BRAIN INJURY SERVICES
 43 32 ALLOWED GROWTH FUNDING ==
 43 33 FISCAL YEAR 2006=2007
 43 34 Sec. 47. 2005 Iowa Acts, chapter 179, section 1,
 43 35 subsection 2, paragraph a, is amended to read as follows:

44 1 a. For distribution to counties for fiscal year ~~2005=2006~~
44 2 ~~2006=2007~~ in accordance with the formula in section 331.438,
44 3 subsection 2, paragraph "b":
44 4 \$ 12,000,000
44 5 Sec. 48. 2005 Iowa Acts, chapter 179, section 1,
44 6 subsection 2, paragraph c, is amended to read as follows:
44 7 c. ~~For deposit in the risk pool created in the property~~
~~44 8 tax relief fund and for distribution in accordance with~~
~~44 9 section 426B.5, subsection 2 To the department of human~~
~~44 10 services for supplementation of the appropriations made for~~
~~44 11 the medical assistance program for the fiscal year beginning~~
~~44 12 July 1, 2006, and ending June 30, 2007:~~
44 13 \$ 2,000,000
44 14 Sec. 49. 2005 Iowa Acts, chapter 179, section 1,
44 15 subsection 2, paragraph d, is amended to read as follows:
44 16 d. For distribution to counties as cost share for county
44 17 coverage of services to adult persons with brain injury in
44 18 accordance with the law enacted as a result of the provisions
44 19 of 2005 Iowa Acts, House File 876, or other law providing for
44 20 such coverage to commence in the fiscal year beginning July 1,
44 21 2006:
44 22 \$ 2,426,893
44 23 If a law is not enacted providing for the coverage of and
44 24 distribution of funding for services to adult persons with
44 25 brain injury commencing in the fiscal year beginning July 1,
44 26 2006, the allocation made in this paragraph "d" shall be
44 27 deposited in the per capital expenditure target pool and shall
44 28 be distributed as provided in paragraph "b".
44 29 Sec. 50. 2005 Iowa Acts, chapter 179, section 1, is
44 30 amended by adding the following new subsections:
44 31 NEW SUBSECTION. 3. The following formula amounts shall be
44 32 utilized only to calculate preliminary distribution amounts
44 33 for fiscal year 2006=2007 under this section by applying the
44 34 indicated formula provisions to the formula amounts and
44 35 producing a preliminary distribution total for each county:
45 1 a. For calculation of an allowed growth factor adjustment
45 2 amount for each county in accordance with the formula in
45 3 section 331.438, subsection 2, paragraph "b":
45 4 \$ 12,000,000
45 5 b. For calculation of a distribution amount for eligible
45 6 counties from the per capita expenditure target pool created
45 7 in the property tax relief fund in accordance with the
45 8 requirements in section 426B.5, subsection 1:
45 9 \$ 19,361,148
45 10 c. For calculation of a distribution amount for counties
45 11 from the mental health and developmental disabilities (MH/DD)
45 12 community services fund in accordance with the formula
45 13 provided in the appropriation made for the MH/DD community
45 14 services fund for the fiscal year beginning July 1, 2006:
45 15 \$ 17,727,890
45 16 d. For distribution to counties as cost share for county
45 17 coverage of services to adult persons with brain injury in
45 18 accordance with law enacted for purposes of the coverage and
45 19 distribution:
45 20 \$ 2,426,893
45 21 NEW SUBSECTION. 4. After applying the applicable
45 22 statutory distribution formulas to the amounts indicated in
45 23 subsection 3 for purposes of producing preliminary
45 24 distribution totals, the department of human services shall
45 25 apply a withholding factor to adjust an eligible individual
45 26 county's preliminary distribution total. An ending balance
45 27 percentage for each county shall be determined by expressing
45 28 the county's ending balance on a modified accrual basis under
45 29 generally accepted accounting principles for the fiscal year
45 30 beginning July 1, 2005, in the county's mental health, mental
45 31 retardation, and developmental disabilities services fund
45 32 created under section 331.424A, as a percentage of the
45 33 county's gross expenditures from that fund for that fiscal
45 34 year. The withholding factor for a county shall be the
45 35 following applicable percent:
46 1 a. For an ending balance percentage of less than 5
46 2 percent, a withholding factor of 0 percent. In addition, a
46 3 county that is subject to this lettered paragraph shall
46 4 receive an inflation adjustment equal to 3 percent of the
46 5 gross expenditures reported for the county's services fund for
46 6 the fiscal year.
46 7 b. For an ending balance percentage of 5 or more but less
46 8 than 10 percent, a withholding factor of 0 percent. In
46 9 addition, a county that is subject to this lettered paragraph
46 10 shall receive an inflation adjustment equal to 2 percent of
46 11 the gross expenditures reported for the county's services fund

46 12 for the fiscal year.
46 13 c. For an ending balance percentage of 10 or more but less
46 14 than 25 percent, a withholding factor of 25 percent.
46 15 d. For an ending balance percentage of 25 percent or more,
46 16 a withholding percentage of 100 percent.
46 17 NEW SUBSECTION. 5. The total withholding amounts applied
46 18 pursuant to subsection 4 shall be equal to a withholding
46 19 target amount of \$4,564,576. If the department of human
46 20 services determines that the amount to be withheld in
46 21 accordance with subsection 4 is not equal to the target
46 22 withholding amount, the department shall adjust the
46 23 withholding factors listed in subsection 4 as necessary to
46 24 achieve the withholding target amount. However, in making
46 25 such adjustments to the withholding factors, the department
46 26 shall strive to minimize changes to the withholding factors
46 27 for those ending balance percentage ranges that are lower than
46 28 others and shall not adjust the zero withholding factor or the
46 29 inflation adjustment percentage specified in subsection 4,
46 30 paragraph "a".
46 31 Sec. 51. EFFECTIVE DATE. The section of this division of
46 32 this Act amending 2005 Iowa Acts, chapter 179, section 1,
46 33 subsection 2, paragraph "a", being deemed of immediate
46 34 importance, takes effect upon enactment.

46 35 DIVISION IV

47 1 MENTAL HEALTH, MENTAL RETARDATION,
47 2 AND DEVELOPMENTAL DISABILITIES ALLOWED GROWTH FUNDING ==
47 3 FISCAL YEAR 2007=2008

47 4 Sec. 52. COUNTY MENTAL HEALTH, MENTAL RETARDATION, AND
47 5 DEVELOPMENTAL DISABILITIES ALLOWED GROWTH FACTOR ALLOCATIONS
47 6 == FISCAL YEAR 2007=2008.

47 7 1. There is appropriated from the general fund of the
47 8 state to the department of human services for the fiscal year
47 9 beginning July 1, 2007, and ending June 30, 2008, the
47 10 following amount, or so much thereof as is necessary, to be
47 11 used for the purpose designated:

47 12 For distribution to counties of the county mental health,
47 13 mental retardation, and developmental disabilities allowed
47 14 growth factor adjustment, as provided in this section in lieu
47 15 of the provisions of section 331.438, subsection 2, and
47 16 section 331.439, subsection 3, and chapter 426B:

47 17 \$ 45,786,839
47 18 2. The funding appropriated in this section is the allowed
47 19 growth factor adjustment for fiscal year 2007=2008, and is
47 20 allocated as follows:

47 21 a. For distribution to counties for fiscal year 2007=2008
47 22 in accordance with the formula in section 331.438, subsection
47 23 2, paragraph "b":
47 24 \$ 12,000,000

47 25 b. For deposit in the per capita expenditure target pool
47 26 created in the property tax relief fund and for distribution
47 27 in accordance with section 426B.5, subsection 1:
47 28 \$ 26,860,246

47 29 c. For deposit in the risk pool created in the property
47 30 tax relief fund and for distribution in accordance with
47 31 section 426B.5, subsection 2:
47 32 \$ 2,000,000

47 33 d. For distribution to counties as cost share for county
47 34 coverage of services to adult persons with brain injury in
47 35 accordance with the law enacted for the purposes of coverage
48 1 and distribution:

48 2 \$ 4,926,593

48 3 If a law is not enacted providing for the coverage of
48 4 services to adult persons with brain injury, and distribution
48 5 of funding for such services in the fiscal year beginning July
48 6 1, 2007, then the allocation made in this paragraph "d" shall
48 7 be deposited in the per capita expenditure target pool and
48 8 shall be distributed as provided in paragraph "b".

48 9 DIVISION V

48 10 PREVENTION OF DISABILITIES POLICY COUNCIL EXTENSION

48 11 Sec. 53. Section 225B.8, Code 2005, is amended to read as
48 12 follows:

48 13 225B.8 REPEAL.

48 14 This chapter is repealed July 1, ~~2006~~ 2011.

48 15 EXPLANATION

48 16 This bill relates to and makes appropriations for health
48 17 and human services for fiscal year 2006=2007 to the state
48 18 commission of veterans affairs, the Iowa veterans home, the
48 19 department of elder affairs, the Iowa department of public
48 20 health, and the department of human services.

48 21 GENERAL FUND AND BLOCK GRANT APPROPRIATIONS. This division
48 22 appropriates funding from the general fund of the state for

48 23 the department of elder affairs, the Iowa department of public
48 24 health, and the department of veterans affairs.

48 25 The division appropriates funds from the gambling treatment
48 26 fund in lieu of the standing appropriation in Code section
48 27 135.150 for addictive disorders and provides for use of the
48 28 funds remaining in the fund.

48 29 The division appropriates funding from the general fund of
48 30 the state and the federal temporary assistance for needy
48 31 families block grant to the department of human services.

48 32 SENIOR TRUST FUND, PHARMACEUTICAL SETTLEMENT ACCOUNT,
48 33 IOWACARE ACCOUNT, AND HEALTH CARE TRANSFORMATION ACCOUNT.

48 34 This division makes appropriations for the 2006=2007 fiscal
48 35 year from the senior living trust fund to the department of
49 1 elder affairs, the department of human services, the
49 2 department of inspections and appeals, and the Iowa finance
49 3 authority.

49 4 The division makes an appropriation from the pharmaceutical
49 5 settlement account to the department of human services to
49 6 supplement the medical assistance appropriation and the
49 7 medical contracts appropriation.

49 8 The division makes appropriations from the Iowacare account
49 9 to the university of Iowa hospitals and clinics, a publicly
49 10 owned acute care teaching hospital in a county with a
49 11 population over 350,000, and the state hospitals for persons
49 12 with mental illness for purposes related to the Iowacare
49 13 program and indigent care. The division also makes an
49 14 appropriation to the department of human services from the
49 15 health care transformation account for various health care
49 16 reform initiatives.

49 17 MENTAL HEALTH, MENTAL RETARDATION, DEVELOPMENTAL
49 18 DISABILITIES, AND BRAIN INJURY SERVICES ALLOWED GROWTH FUNDING
49 19 == FISCAL YEAR 2006=2007. This division relates to mental
49 20 health, mental retardation and other developmental
49 21 disabilities, and brain injury (MH/MR/DD/BI) services funding
49 22 for fiscal year 2006=2007.

49 23 The division provides for distribution of the services
49 24 funding previously appropriated for fiscal year 2006=2007 and
49 25 shifts an allocation made from that funding to the risk pool
49 26 fund to instead be used for the Medicaid program. In
49 27 addition, reallocation contingent language is included in the
49 28 allocation for brain injury services for adults in the event
49 29 law is not enacted providing for coverage of the services and
49 30 for distribution of funding commencing in fiscal year 2006=
49 31 2007.

49 32 MENTAL HEALTH, MENTAL RETARDATION, AND DEVELOPMENTAL
49 33 DISABILITIES ALLOWED GROWTH FUNDING == FISCAL YEAR 2007=2008.

49 34 This division provides for the county mental health, mental
49 35 retardation, and developmental disabilities growth factor
50 1 appropriation allocations for fiscal year 2007=2008.

50 2 PREVENTION OF DISABILITIES POLICY COUNCIL EXTENSION. This
50 3 division provides for the extension of the existence of the
50 4 prevention of disabilities policy council until July 1, 2011.

50 5 LSB 5181XG 81
50 6 pf:jp/gg/14.3